

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN NACHSHEN,	:	
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Plaintiff(s),	:	
	:	18 Civ. 3452 (KBF)
-v-	:	
230 W 48 REALTY, LLC, et al.,	:	<u>SCHEDULING ORDER</u>
-----	:	
Defendant(s).	:	
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KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [**do** ☐ / **do not** ☒] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.¹
2. Amended pleadings may not be filed, and no party may be joined, without leave of Court more than 20 days after the filing of this Order or the filing of a responsive pleading, whichever occurs first.
3. Close of fact discovery: November 12, 2018. [**within 4 months unless the case is particularly complex**]
4. Close of expert discovery: December 7, 2018. [**25 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses**]

The parties contemplate experts in this matter for the following subject(s):
ADA accessibility compliance, construction and finance.

5. [**For F.L.S.A. actions only**] Plaintiff(s) [**do** ☐ / **do not** ☐] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

¹ If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Section 216(b) proposed briefing schedule:

Opening: _____ [30 days after initial conference]
Opp'n: _____ [21 days after opening brief]
Reply: _____ [7 days after opposition brief]

6. The parties [**do** / **do not** ☒] anticipate making dispositive motions.
The contemplated dispositive motion(s) is/are a motion(s)

_____.

Proposed briefing schedule:

Opening: _____ [no later than item 3]
Opp'n: _____ [21 days after opening brief]
Reply: _____ [7 days after opposition brief]

Last dates to file; motions may be brought at any time.

7. Trial [**will** ☒ / **will not** ☐] be before a jury.²

DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 7-10.

8. The next status conference is set for _____ at _____.

9. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due:

_____.

10. The Final Pretrial Conference ("FPTC") is set for _____ at _____.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)³

11. Trial in this matter shall commence on _____. Trial is anticipated to take _____ [days / weeks].

Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).

SO ORDERED.

Dated: New York, New York
_____, 2018

KATHERINE B. FORREST
United States District Judge

² Checking this box does not constitute a formal jury demand under Fed. R. Civ. P. 38(b). It serves a purely administrative function.

³ Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request modified schedule if desired.